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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,681	06/04/2001	Lanny Gilbert	BLL-0024-C	7032

36192 7590 07/28/2005

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BLOOMFIELD, CT 06002

EXAMINER
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SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/873,681

Applicant(s)

GILBERT, LANNY

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-18, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 1-13, 19-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 14-18, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 14-18 and 24,25 are rejected under 35 U.S.C. 102(e) as being anticipated by Peltonen (U.S. Patent Number 6,393,274).

*Regarding claim 14*, Peltonen discloses all the claimed invention as set forth in the instant application, also Peltonen discloses a wireless telecommunication system having subscriber advanced personal service, in addition Peltonen discloses a system for storing an audio message sent from a communication device through a mobile radiotelephone network (which reads on column 1 lines 18-20 and exhibited in figure 9), the system comprising a subscriber database (33) having a plurality of entries, each entry containing information for one user; an audio server engine (35) for communicating with the communication device (10), the audio server engine receiving user information from the communication device and authenticating the user by retrieving an entry having the user's information from the subscriber database (which reads on column 2 lines 27-44), the audio server engine (which reads on 35 the information service center) being responsive to a non telephone number feature code (which reads on a SMS form) and a user identification code (which reads on phone number) (which is disclosed on column 8 lines 13-15); an audio message management unit (32A) for recording the

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audio message received from the communication device based on information from the audio server engine; and an audio message storage area (32A) for storing the audio message.

***Regarding claim 15,*** Peltonen discloses everything claimed, as applied above (see claims 1 ) additionally, Peltonen discloses a user authentication unit (which reads on column 1 lines 18-20).

***Regarding claim 16,*** Peltonen discloses everything claimed, as applied above (see claims 1 ) additionally, Peltonen discloses a feature code validation unit for validating feature codes received from the communication device (which reads on column 1 lines 18-20).

***Regarding claim 17,*** Peltonen discloses everything claimed, as applied above (see claims 1 ) additionally, Peltonen discloses system is connected to a public switched telephone network (which reads on column 2 lines 27-44).

***Regarding claim 18,*** Peltonen discloses everything claimed, as applied above (see claims 1 ) additionally, Peltonen discloses the system is connected to a mobile switching center (which reads on column 2 lines 27-44).

***Regarding claim 24,*** Peltonen discloses everything claimed, as applied above (see claims 1 ) additionally, Peltonen discloses the user identification code comprises a mobile identification number of a mobile telephone (which reads on column 8 lines 13-15).

***Regarding claim 25,*** Peltonen discloses everything claimed, as applied above (see claims 1 ) additionally, Peltonen discloses the audio server engine records a message in response to a first non telephone feature code and the audio server engine retrieves a message in response to a second non telephone feature code, the second non telephone feature code being different than the first non telephone feature code (which reads on column 8 lines 13-15).

***Response to Arguments***

2. Applicant's arguments with respect to claims 14-18,24,25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.


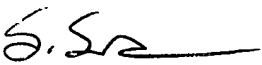
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith

July 22, 2005



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER